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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,035	01/08/2004	Darren S. Sheehan	60,246-281/10789	6097
26096	7590	11/08/2005	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			GREENE, JASON M	
			ART UNIT	PAPER NUMBER
			1724	

DATE MAILED: 11/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/754,035	Applicant(s) SHEEHAN ET AL	
	Examiner Jason M. Greene	Art Unit 1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 5-20 is/are rejected.
- 7) ☒ Claim(s) 3 and 4 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/8/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claims

1. With regard to claim 19, the Examiner has interpreted the phrase "the sealed container" in line 2 to mean that the container recited in claim 14 is a sealed container. If this interpretation is correct, the Examiner suggests Applicants either rewrite the phrase "the sealed container" in line 2 of claim 19 as "the container" or rewrite the phrase "a container" in line 5 of claim 14 as "a sealed container" to provide improved antecedent basis. Alternatively, Applicants could also insert a phrase such as "sealing the container" prior to the recitation of "the sealed container" in claim 19.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Hackney.

Hackney discloses a filter system comprising a channel (9) through which fluid passes, a source (posting flask 19) of clean filter media (17) adjacent the channel, and a repository (posting flask 20) for used filter media (18) adjacent the channel, wherein clean filter media travels from the source through the channel to collect a contaminant, and wherein the filter media travels from the channel to the repository, wherein the filter media is a plurality of filter media cartridges (1,17,18), each of the plurality of cartridges stored in the source (19) when new and stored in the repository (20) when used in Figs. 1 and 3 and col. 2, line 6 to col. 3, line 44.

4. Claims 1 and 5-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Taylor.

With regard to claims 1, 5 and 6, Taylor discloses a filter system (10) comprising a channel (12) through which fluid passes, a source (supply container 20) of clean filter media (14) adjacent the channel, and a repository (take-up container 22) for used filter media adjacent the channel, wherein clean filter media travels from the source through the channel to collect a contaminant, and wherein the filter media travels from the channel to the repository, wherein the filter media is in the form of a continuous elongated strip, only a portion of which is in the channel at any given time, wherein the filter media is initially rolled inside the source, is subsequently unrolled into the channel and ultimately rolled into the repository in Figs. 1 and 3 and col. 3, lines 43-65.

With regard to claims 7-11, Taylor discloses the filter system including a controller (computer 49) controlling the travel of the filter media from the source, to the channel and to the repository, wherein the travel depends on time, and wherein the travel depends upon a level of contaminate in the filter media, the filter system including at least one pressure sensor (48,54; see col. 4, lines 25-29) for measuring a pressure drop across the filter media in the channel, the travel being based upon the pressure drop in col. 3, line 43 to col. 5, line 42.

5. Claims 14, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Hackney.

Hackney discloses a method for operating a filter system comprising the steps of advancing clean filter media (17) into a channel (9) through which a fluid passes, collecting contaminants from the fluid in the filter media channel, and advancing the filter media (18) with the contaminants from the channel to a container (posting flask 20) adjacent the channel, wherein steps a) and c) are preformed simultaneously, and removing the sealed container containing the filter media with contaminants, and placing a new, empty sealed container (another one of the posting flasks 20) adjacent the channel in Figs. 1 and 3 and col. 2, line 6 to col. 3, line 44.

6. Claims 14-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Taylor.

Taylor discloses a method for operating a filter system (10) comprising the steps of advancing clean filter media (14) into a channel (12) through which a fluid passes,

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collecting contaminants from the fluid in the filter media channel, and advancing the filter media with the contaminants from the channel to a container (take-up container 22) adjacent the channel, wherein steps a) and c) are preformed simultaneously, wherein steps a) and c) are performed based upon time, and wherein steps a) and c) are performed based upon information from at least one pressure sensor (48,54) in Figs. 1 and 3 and col. 3, lines 43-65.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 12 and 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Hackney or Taylor as applied to claim 1 above, and further in view of Deibert.

Hackney and Taylor do not disclose the filter system further including a dispenser for dispensing material for treating the contaminant.

Deibert teaches a filter system (10) comprising a dispenser for dispensing material for treating the contaminant, wherein the material includes an anti-microbial agent (germicidal solution) in Figs. 2 and 5 and col. 3, lines 1-20.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the anti-microbial agent dispenser of Deibert into the filter systems of Hackney and Taylor to remove any germs or viruses in the fluid as it passes through the filter media, as suggested by Deibert in col. 2, lines 55-57.

9. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hackney or Taylor as applied to claim 14 above, and further in view of Deibert.

Hackney and Taylor do not disclose the method comprising the step of dispensing an anti-microbial material into the container to treat the filter media with contaminant.

Deibert discloses a similar method comprising the step of dispensing an anti-microbial material (the germicidal solution) onto the filter media to treat the filter media with contaminant in Figs. 2 and 5, col. 2, lines 55-57 and col. 3, lines 1-20.

While Deibert does not teach dispensing the anti-microbial material into the container, one of ordinary skill in the art at the time the invention was made would have recognized that the anti-microbial material could have been dispensed onto the filter media in the container to destroy and germs or viruses captured within the filter media to facilitate handling and disposal of the contaminated filter media, especially in cases where the filter media is used as a biological filter, as suggested by Hackney in col. 2, lines 13-16.

Allowable Subject Matter

10. Claims 3 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter:

Hackney teaches the source (posting flask 19) initially containing a single filter media cartridge (17) and the repository (posting flask 20) ultimately containing a single filter media cartridge for disposal.

The prior art made of record does not teach or fairly suggest the filter system of claim 2 wherein the source initially contains the plurality of filter media cartridges and the repository ultimately contains the plurality of filter media cartridges.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Paydar et al., DeSantis, Najm '269, Craig et al., Doughty et al., Percy, Carr et al and Najm '282 references disclose similar filter systems.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Greene whose telephone number is (571)

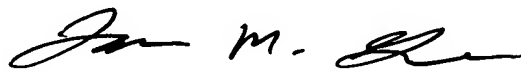
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272-1157. The examiner can normally be reached on Monday - Friday (9:00 AM to 5:30 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason M. Greene
Examiner
Art Unit 1724


11/6/05

jmg
November 6, 2005